

**§ 194.105**

**49 CFR Ch. I (10–1–10 Edition)**

than 50 percent of the specified minimum yield strength of the pipe,

(4) Is located within a 5 mile (8 kilometer) radius of potentially affected public drinking water intakes and could reasonably be expected to reach public drinking water intakes, or

(5) Is located within a 1 mile (1.6 kilometer) radius of potentially affected environmentally sensitive areas, and could reasonably be expected to reach these areas.

[58 FR 253, Jan. 5, 1993, as amended by Amdt. 194–3, 63 FR 37505, July 13, 1998]

**§ 194.105 Worst case discharge.**

(a) Each operator shall determine the worst case discharge for each of its response zones and provide the methodology, including calculations, used to arrive at the volume.

(b) The worst case discharge is the largest volume, in barrels (cubic meters), of the following:

(1) The pipeline's maximum release time in hours, plus the maximum shutdown response time in hours (based on historic discharge data or in the ab-

sence of such historic data, the operator's best estimate), multiplied by the maximum flow rate expressed in barrels per hour (based on the maximum daily capacity of the pipeline), plus the largest line drainage volume after shutdown of the line section(s) in the response zone expressed in barrels (cubic meters); or

(2) The largest foreseeable discharge for the line section(s) within a response zone, expressed in barrels (cubic meters), based on the maximum historic discharge, if one exists, adjusted for any subsequent corrective or preventive action taken; or

(3) If the response zone contains one or more breakout tanks, the capacity of the single largest tank or battery of tanks within a single secondary containment system, adjusted for the capacity or size of the secondary containment system, expressed in barrels (cubic meters).

(4) Operators may claim prevention credits for breakout tank secondary containment and other specific spill prevention measures as follows:

Prevention measure	Standard	Credit (percent)
Secondary containment > 100% .....	NFPA 30 .....	50
Built/repaired to API standards .....	API STD 620/650/653. ....	10
Overfill protection standards .....	API RP 2350 .....	5
Testing/cathodic protection .....	API STD 650/651/653. ....	5
Tertiary containment/drainage/treatment .....	NFPA 30 .....	5
Maximum allowable credit .....	.....	75

[58 FR 253, Jan. 5, 1993, as amended by Amdt. 194–3, 63 FR 37505, July 13, 1998; Amdt. 194–4, 70 FR 8747, Feb. 23, 2005; Amdt. 194–5, 70 FR 35042, June 16, 2005]

**§ 194.107 General response plan requirements.**

(a) Each response plan must include procedures and a list of resources for responding, to the maximum extent practicable, to a worst case discharge and to a substantial threat of such a discharge. The “substantial threat” term is equivalent to abnormal operations outlined in 49 CFR 195.402(d). To comply with this requirement, an operator can incorporate by reference into the response plan the appropriate procedures from its manual for operations,

maintenance, and emergencies, which is prepared in compliance with 49 CFR 195.402.

(b) An operator must certify in the response plan that it reviewed the NCP and each applicable ACP and that its response plan is consistent with the NCP and each applicable ACP as follows:

(1) As a minimum to be consistent with the NCP a facility response plan must:

(i) Demonstrate an operator's clear understanding of the function of the Federal response structure, including procedures to notify the National Response Center reflecting the relationship between the operator's response organization's role and the Federal On